

## **POLICE FORUM ON SEX OFFENDER AWARENESS**

### **Frequently Asked Questions**

March 24, 2004

#### **1. How did Cary Verse come to be in our community?**

Cary Verse, classified as a “High Risk Sex Offender” by the California Department of Justice, was placed at his location in the 4100 block of Monterey Highway by the California Department of Mental Health. The City was not notified of this action by the state and the Police Department took immediate action and registered Verse when they became aware of his presence in our community.

#### **2. What is the City of San José doing about this?**

Councilmember Williams and colleagues immediately expressed outrage at this action by state and the lack of notification to the City before Verse’s placement. Councilmember Williams and colleagues including the Mayor and Vice Mayor have proposed that the City Council:

- 1) Adopt a position opposing the placement of convicted sex offender Cary Verse in San José;
- 2) Send a letter outlining the City Council’s position to the California Department of Mental Health and to the Presiding Judge in this case;
- 3) Adopt a position supporting changes to the current State of California notification requirements to ensure that local communities are notified prior to a decision to place a High Risk sex offender in a community; and
- 4) Direct the Administration to work with state decision-makers to:
  - a. Develop stricter notification requirements for state agencies to provide longer advance notification to local communities regarding the proposed release and placement of sex offenders.
  - b. Explore state legislation or policies to better define an overall process for placing sex offenders in local communities, with requirements that limit their placement away from parks, schools, and other places where children are likely to be present, to ensure a high level of safety. .
  - c. Explore state legislation or policies that would prevent the placement of disproportionate number of sex offenders in any community compared to the rest of the region to prevent inappropriate concentrations.

#### **3. What are the limitations on Cary Verse’s release?**

Cary Verse is not on probation or parole. As such, he is only limited by the terms and conditions imposed by the Dept. of Mental Health and the presiding judge. Verse is currently monitored by a GPS tracking device. The Police Department was advised that this device will be programmed to send an alert if Verse enters a “off limit zone,” such as public parks or school zones. Cary Verse cannot leave his room for more than 4 sequential hours and must remain in his place of residence between the hours of 8 p.m. and 6 a.m.

**4. How is the public notified of sex offenders?**

It is the policy of the San José Police Department's 290 Team to do a public notification on the relocation of all High Risk Sex Offenders. Generally, the notification process is made as soon as possible based on available resources and research of the targeted area. Based on the demographics of the area (e.g., residential vs. industrial) the notification radius is approximately 1 mile. School notifications are extended beyond the mile radius.

In this situation, initial notifications made on the day of Cary Verse's arrival were limited due to time constraints. Notifications were made by Police canvassing the area immediately surrounding Verse's location starting that day. In addition, the notification flyer was posted immediately on the SJPD website. Notifications were also distributed to area schools, community facilities, and neighborhood associations by the Council Office and posted to the District Two website at [www.sanjoseca.gov/district2](http://www.sanjoseca.gov/district2).

**5. How do we receive information on other sex offenders we have heard about in our area?**

State law restricts what notification can be done and how. Currently, notifications are made only on High Risk Sex Offenders. Disclosures on "Serious" offenders are done on a case-by-case basis and, by law, no disclosure is allowed on "Other" offenders.

High Risk Sex Offenders in San José are posted on the web at [www.SJPD.org](http://www.SJPD.org) - the public can view all the "Serious" sex registrants at any of the community policing centers (e.g., Oakridge) or at the Police Department. Current registered sex offenders can be located by name or ZIP code.

If a person has a concern regarding a specific individual or address they can contact the Police Department's 290 team at 277-4102 for additional information or visit the Police Department or a local Community Policing Center (e.g., Oakridge).

**6. What is Megan's Law (290 PC)?**

Megan's Law, or California Penal Code Section 290, is the law that requires sex offender registration. Section 290 of the California Penal Code requires people convicted of certain sexual offenses to register with the local law enforcement agency responsible for the jurisdiction in which they reside within 5 working days of their birthday, and within 5 working days of changing their address. This is a requirement for the rest of their lives.

If they fail to register on time, they are in violation of the law. If they fail to notify their local police agency when they move in or out of the city, they are in violation of the law. If they provide false or deceptive information about where they are living, they are in violation of the law.

The San José Police Department has a team of officers assigned specifically to monitoring and tracking sex registrants and routinely send cases to the District Attorney's Office for filing of 290 PC violations.

**7. When are sex offenders required to register with local authorities?**

Sex offenders are required to register with local law enforcement agencies within five working days of being released from a local jail or state prison or completion of any alternate sentence. Sex offenders also must re-register every year within five working days of his or her birthday, moving, or changing his or her name. With few exceptions, the registration requirement is a lifetime mandate. During annual registration, the registered sex offender is required to verify his or her name and address or temporary location. Failure to register properly may be a felony and may count as a "Third Strike" (Penal Code section 290)

## 8. What do the different classifications of sex offenders mean?

Generally, a “High Risk” sex offender is an individual convicted of multiple violent crimes, at least one of which was a violent sex crime. The criteria for “High Risk” sex offenders is set forth in Penal Code Section 290(n)(1)(A). This information can be released to persons at risk or to the entire community.

A “Serious” sex offender has a conviction of a specified felony sex offense or misdemeanor child molestation. A complete listing of crimes subject to registration is listed in Penal Code Section 290.4(a)(1). The information can be released to persons at risk **only**.

“Other” sex offenders are required to register, but are not subject to disclosure under Megan’s Law. These other sex offenders are individuals convicted of pornography, exhibitionism, misdemeanor sexual battery, incest or spousal rape. Additionally, sex offenders adjudicated in juvenile court are not subject to public disclosure. Information regarding “Other” sex offenders **may not** be disseminated to the public.

## 9. What is the procedure for viewing the Megan’s Law Database?

In addition to the web tools at [www.SJPD.org](http://www.SJPD.org), the Megan’s Law Database is free and available for public viewing at the San José Police Department or any of the Community Service Centers (e.g., Oakridge). To view the Megan’s Law Database, you must:

- Be at least 18 years of age; or accompanied by parent or legal guardian;
- Provide a California driver’s license or California identification card;
- Sign a statement that you are not a registered sex offender; that you understand the purpose of the release of information is for the public to protect themselves and their children from sex offenders; and that it is illegal to use the information to harass, discriminate or commit a crime against any registrant; and
- State a distinct purpose for viewing the Megan’s Law Web Application, if required by local law enforcement.

You may contact the Police Department’s Community Services at (408) 277-4133 for further information.

Information can be obtained over the telephone by calling the California Sex Offender information Telephone Service at 1-900-448-3000. *The state charges a fee of \$10 per call for up to two names.*

## 10. What information is in the Megan’s Law Database?

The Megan’s Law Database will provide the names, physical descriptions, photographs, conviction offense, and ZIP code of residence for registered sex offenders currently registered within California, as allowed by law.

The Database can only be searched by entering the name of an offender or by entering a ZIP code. For example, if you type in the name of a sex offender, all the above information for that offender will be displayed. If you type in a ZIP code, the above information for all offenders residing within that ZIP code will be displayed. By law, the residential address of registered sex offenders is **not** public information.

The Megan’s Law Database uses the latest technology to provide accurate and up-to-date information. The database reflects that information provided by sex offenders as a condition of their registration requirements. The majority of California’s registered sex offenders are in compliance with their registration requirements. However, ZIP codes may not be up-to-date on offenders who fail to comply.

**11. What if I have an address where I suspect a sex offender lives?**

At this time, the law does not allow for the public to view this information. By law, the residential address of a sex offender is **not** public information. You will only be able to search Megan's Law Database by providing the name of the offender or by viewing all of the offenders in a particular ZIP code. Although you may not immediately recognize an offender from the database, we hope by viewing the database it will increase your awareness of potential dangers to your children. Often, persons will recognize the photograph of an offender as someone they have seen or maybe in spoken with in their neighborhood.

**12. What should I do if I know of a sex offender who has not registered?**

Do not contact the offender. You should contact the police immediately. You may contact the San José Police Department 290 Team by calling (408) 277-4102. Please be ready to provide as much information regarding the offender as possible, including name, physical description (e.g., race, height, weight, hair / eye color) and their current location.

**13. Who do I contact if I have more questions about sex offenders?**

You may contact the Police Department 290 Team at (408) 277-4102 for any questions regarding sex offenders or Megan's Law. For questions regarding the Megan's Law Database viewing process, you should contact the Police Department's Community Services at (408) 277-4133.

To report a crime in process or to report suspicious activity, call 911 immediately. Cell phone users may call (408) 277-8911 to reach San José dispatch directly.

**14. What else can I do to protect myself and my family?**

Teach your children to avoid situations that put them in danger of abuse, molestation or abduction. Help protect your child by establishing a home environment where your child feels safe to tell you anything, without fear of shame, ridicule or punishment. A safe and supportive home environment, combined with clear instructions about what behavior is acceptable and what is not, will guide your child's actions and encourage your child to tell you if something improper happens.

Many parents warn their children not to talk to strangers. But more often than not, an abuser or abductor is known to the child. He or she can be a school bus driver, teacher, relative, neighbor, or family friend. Many times the molestation occurs in the home of the victim or the abuser.

It is best to teach your child to avoid certain situations or actions. Children should know from an early age that some behavior is not acceptable, and that they have the right to tell an adult to leave them alone.

Here are some specific rules you can teach your child:

- Stay away from people who call you near their car.
- If someone tries to take you away, yell, "This person is not my father (or mother)" and scream.
- You don't have to keep secrets from your parents. No one can hurt your parents or pets if you tell what happened.
- No one should touch you in the parts covered by your bathing suit, and you should not be asked to touch anyone there.
- Don't let anyone take your picture without permission from your parents or teacher.